

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1466 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT (SUO -MOTO)

Versus

NIRAV VASTYAYAN MUNSHI

Appearance:

MR MISHRA for Respondent No. 1

MR BP TANNA for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

Date of decision: 02/07/97

ORAL JUDGEMENT (Per Patel, J.)

Special Civil Application No. 6904 of 1995 was filed by one Nirav Vatsyayan Munshi against State, GPCB and various industrial units for breach of pollution laws committed by the said units. In view of the directions issued by the Court, M.M. Raol, Scientific Officer and A.N. Shah, Junior Scientific Assistant visited the

industries along with the petitioner on 11.11.1995 as stated in the affidavit filed by D.K. Solanki, Assistant Law Officer of the GPCB on 15.11.1995. Along with this affidavit, the inspection reports are also produced before the Court with regard to the 13 units mentioned in the affidavit. A copy of this affidavit was served on the learned Advocate for the petitioner on 22.11.1995 and thereafter the matter was adjourned from time to time, and ultimately, on 10.1.1996, the Court passed an order for closure of certain units referred to in the order.

2. On the reverse portion of the affidavit filed by D.K. Solanki, learned advocate for the petitioner, after writing down the names of eight units, has also written down as under :-

"all units situated at "Haranivas", Opposite Narol Village, Narol, Ahmedabad. The said units are operating without obtaining consent u/s 25 of the Water Act, 1974 and are not having any treatment facilities as per the report submitted by GPCB."

3. Perusing the report it clearly transpires that out of the eight units mentioned, four units (Vishal Textile Mill, Ambuja Synthetics Mills Ltd., Mahashakti Textile, and Shyam Textile) have treatment plants, and Ambuja Synthetic Mills Ltd. have only primary treatment plant. While so, in the aforesaid endorsement by the learned advocate, it is indicated that the units "are not having any treatment facilities". This statement appears to be contrary to the inspection reports placed on record, and to be more specific, paragraphs 13 and 18 of the report regarding each unit. Under the circumstances, notice came to be issued against the petitioner and the advocate concerned.

4. Today, the concerned learned advocate Mr. Sanjay R. Gupta has filed an affidavit tendering apology for the aforesaid manuscript endorsement, stating that he will be careful to prevent recurrence of such incidents. He has also undertaken to deposit with the Legal Aid Committee an amount as may be directed by this Court.

5. Mr. B.P. Tanna, learned counsel appearing for the learned advocate Mr. Gupta submitted that without entering into the merits of the case, this Court may accept the apology and drop the contempt proceedings. Under the circumstances, without entering into the merits of the case, we accept the apology tendered by Advocate Mr. Sanjay R Gupta and drop the contempt proceedings

being Misc. Criminal Application No. 1466 of 1997.
Notice issued therein is ordered to be discharged.
Learned Advocate Mr. Sanjay R Gupta is directed to
deposit a sum of Rs.10,000/- (Rupees ten thousand only)
with the Legal Aid Committee within a week from today
which is to be utilised as may be ordered by the Court
for payment of fees to the Advocate for conducting matter
entrusted by Legal Aid Committee.

6. Misc. Criminal Application No. 1466/97 stands
disposed of accordingly.

csm./ -----